

Docket Number: W-377-02  
Serial No. 10/597,857  
Response to Restriction Requirement

The Examiner contends the inventions of Group I and Group II are separate and distinct because the inventions of Group II are directed to a program storage/computer program whereas the inventions of Group I are directed to a device and method of detecting leaks.

The Examiner contends the inventions of Group I and Group II require different searches and would impose an undue burden on the Examiner.

Applicant provisionally elects for the purpose of this restriction requirement the inventions of Group I, namely claims 1-19 with traverse. Applicant respectfully submits that maintaining all claims in the present application is not unduly burdensome and will lead to more efficient prosecution.

Applicant respectfully submits the inventions of Group I and Group II have not acquired a separate status. The inventions of Group II, like Group I, are directed to "detecting leaks in an instrument". That is, to the extent the claims of Group II read on program storage, the program so stored is directed to methods for detecting leaks in an instrument. This is clearly evident in claim 20 which reads in the second line of the preamble that the program is of "instructions executable by the machine to perform method steps for detecting leaks in an instrument". And, subparagraph (a) of claim 20 reads on a method step of "driving a leak detector circuit" which reads identically or similarly to that of claim 1.

Thus, the subject matter of Group I and Group II is linked and is not divergent. Applicant suggests that searches for novelty and inventive step will invariably lead to the same classes and subclasses. Applicant respectfully submits that the prior art as to Group I and Group II will have share references and are unlikely to raise different non-prior art issues.

Applicant respectfully submits the present Groups I and II are closely related and should remain together in a single application.

#### Conclusion

Applicant respectfully submits the present Application is in condition for allowance which action is earnestly solicited.

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Respectfully submitted  
  
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